

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 681-B
Case No. 91-16/89-25 II
(Addition of Lot 852, in Square 514 in the
Downtown Development District)
September 14, 1992

By Z.C. Order No. 681 dated December 17, 1990, the Zoning Commission for the District of Columbia adopted amendments to the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning, and amendments to the Zoning Map of the District of Columbia. The amendments created and mapped a new zone district known as the Downtown Development (DD) Overlay District.

The purpose of the DD Overlay District is to help accomplish the land use and development policies of the Comprehensive Plan for the National Capital relating to the affected sectors of Downtown.

By Z.C. Order No. 681-A dated July 3, 1992, the Zoning Commission approved amendments to the Zoning Regulations and the Zoning Map to include six unintentionally omitted squares (squares 317, 343, 427, 428, 431 and 432) to the three housing priority subarea within the DD District, and to adopt a map that depicts those squares in the proper subareas.

By letter dated May 5, 1992, counsel from the law firm of Hamilton and Hamilton indicated the following:

"This office is counsel to Eugene Kressin and T.H. Cohen, owners of five (5) lots in the 400 block of New York Avenue, N.W. (Squares 514, Lots 813, 814, 815, 851 and 852). In Z.C. Case No. 89-25, the Commission rezoned Lots 813, 814 and 815 from R-5-D to DD/R-5-B; Lot 851 was rezoned from R-5-D to DD/C-2-C. Lot 852, which lies between those parcels, was not advertised for rezoning or mentioned in the Commission's order and is therefore still zoned R-5-D. At the public hearing in Case No. 89-25 we asked the Commission to correct the omission to advertise a zoning change for Lot 852 and to zone all five lots DD/C-2-C."

On June 8, 1992 at the Zoning Commission's regular monthly meeting, the Acting Director of the Office of Zoning indicated that Lot 852 in Square 514 was clearly intended to be rezoned in the DD District. She further indicated that the DD District map in the notice of public hearing indicated the Commission's intent to rezone the lot to DD/C-2-C, and that the lot was inadvertently left out of the DD District.

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In Z.C. Case No. 89-25, the Zoning Commission rezoned Lots 813, 814 and 815 in Square 514 from R-5-D to DD/R-5-B and Lot 851 from R-5-D to DD/C-2-C. Through carefully researching the matter, it was concluded that Lot 852 was inadvertently omitted and should have been rezoned to DD/C-2-C in Z.C. Case No. 89-25 (Z.C. Order No. 681).

The Acting Director stated that the anomaly can be corrected by directing staff to publish the correction as proposed rulemaking and proceeding as required by the regulations, since adequate notice was provided by the DD District map in the notice of public hearing.

The Commission discussed the above stated issues and considered the Acting Director's recommendation. The Commission concurred with the recommendation, and the Chairman authorized staff to publish a notice of proposed rulemaking.

A notice of proposed rulemaking was published in the D.C. Register on July 24, 1992 (39 DCR 5567). As a result of the publication of the notice of proposed rulemaking, no comments were received into the record.

The proposed decision to rezone Lot 852 in Square 514 to DD/C-2-C was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. By report dated July 29, 1992, NCPC found that the proposed map amendment to rezone Lot 852 to conform with the properties in Square 514 that were rezoned to DD/C-2-C by Z.C. Order No. 681 would not adversely affect the Federal establishment or other Federal interests or be inconsistent with the Comprehensive Plan for the National Capital.

On September 14, 1992 at its regular monthly meeting, the Commission discussed the draft order. The Commission believes that the omission of Lot 852 in the rezoning of lots in Square 514 to DD/C-2-C was an inadvertent error and should be corrected.

The Commission believes that its proposed decision to rezone Lot 852 in Square 514 is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** to amend the Zoning Map to rezone Lot 852 in Square 514 from R-5-D to DD/C-2-C. The specific amendment to the Zoning Map is as follows:

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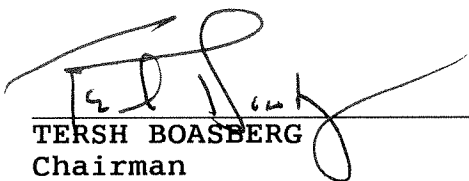
Rezone Lot 852 in Square 514 from R-5-D to DD/C-2-C.

Vote of the Zoning Commission taken at the public meeting on June 8, 1992: 4-0 (John G. Parsons, Lloyd D. Smith, William L. Ensign and Tersh Boasberg to approve the proposed amendment to the Zoning Map - Maybelle Taylor Bennett, not present, not voting).

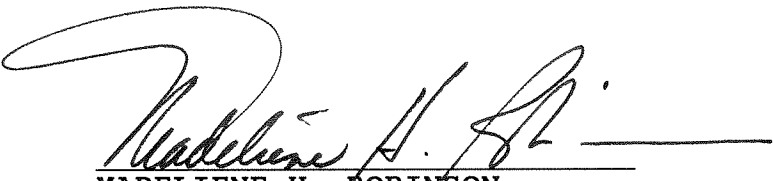
This order was adopted by the Zoning Commission at its monthly meeting on September 14, 1992 by a vote of 3-0: (John G. Parsons, William L. Ensign and Tersh Boasberg to approve as amended, Maybelle Taylor Bennett not voting, not having participated in the case, Lloyd D. Smith, not present, not voting).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register, that is on

OCT 30 1992



TERSH BOASBERG
Chairman
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning

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